

REMARKS/ARGUMENTS

Claims 1-31 remain in the application for further prosecution.

Combination of Graham and Bennett '642

Independent Claim 1

Independent claim 1 is directed to a “method for changing an appearance of a mechanical device displayed on a gaming machine.” The method includes “receiving a wager to play a base wagering game that utilizes a mechanical device” and a different “special feature game that utilizes the mechanical device.” In response to an indication to play the special feature game being detected, an appearance of the mechanical device is changed to indicate to a player that the special feature game is now underway with the mechanical device rather than the base game.

The Office Action cites to the combination of U.S. Pat. No. 6,491,584 (“Graham”) and U.S. Pat. No. 6,056,642 (Bennett '642) as rendering claim 1 obvious. In order to prove a *prima facie* case of obviousness, there must be some motivation or suggestion to combine the prior art. The Office Action does not refer to any motivation or suggestion to combine the two references, and indeed there is none. Graham is directed to a video slot machine game, which, in response to certain outcomes, awards free games. Bennett '642 is directed to a mechanical reel game that alters the color of the symbols on the reels when a winning condition is presented. There is no suggestion or motivation in either the video-based Graham to utilize the mechanical reels of Bennett '642 or vice versa. One of ordinary skill in the art would not consider a method to alter the color of symbols on mechanical devices such as reels in Bennett '642 to indicate a game change for a video machine which presumably already changes its display when a game changes.

Therefore, for at least this reason, claim 1 is believed to be allowable over the combination of Graham and Bennett '642.

Even assuming a suggestion or motivation to combine Graham and Bennett '642, the Office Action still fails to provide a *prima facie* case of obviousness. The combination of prior art must disclose each and every element of the claim. The combination of Graham and Bennett '642 fails to disclose every element of claim 1.

The Office Action states that Graham discloses a base game that utilizes a mechanical device, such as a video slot reel. *See* June 1, 2006 Office Action, page 2. As an initial matter, a video slot reel is not a mechanical device; it is a video device. The reference numbers cited to in the Office Action (24.1, 24.2) are described in the specification as a coin input chute (24.1) and a bill collector (24.2). Col. 2, ll. 46-48 and Figure 1. The coin input and bill collector in Graham are used to accept payment for the game but are not used to portray either the base game or the special features. Thus, there is no disclosure in Graham of a mechanical device that is utilized to play a wagering game. The Office Action also asserts that Graham detects a triggering condition to play a bonus feature game citing Col. 1, ll. 29-49. However the bonus feature in Graham is not a **special feature game** rather it is a bonus feature of a basic game defined as additional awarded prizes on a paytable (e.g. triple value prizes) for a series of additional free games. (Col. 3, ll. 18-27). The free games are identical to and use the same mathematical model as the original base game. Thus Graham does not disclose a different special feature game which changes the actual game play such as by altering the mathematical model of the base game. As the Office Action concedes Graham does not disclose mechanical devices such as spinning reels or changing the appearance of the mechanical device.

The Office Action also concedes Bennett '642 only discloses utilizing mechanical reels to play a base game. The color of the mechanical reels are changed when a winning result occurs (i.e., three 7s). (Col. 3, ll. 39-43). Bennett '642 does not disclose a special feature game or changing the color of the mechanical reels when an indication to detect a special feature game is received. In fact the function of the change in color in Bennett '642 is to enhance the base game, not to indicate a change in games.

Claim 1 includes the limitations of "a base wagering game that utilizes a mechanical device" and "a special feature game that utilizes the mechanical device." There is no disclosure in either Graham or Bennett '642 of utilizing the same mechanical device to play **both** a base game and a special feature game. As stated above, Graham discloses utilizing only a video game and Bennett '642 discloses utilizing mechanical reels for only a base game. The combination of Graham and Bennett '642 would not offer a special feature game using a mechanical device used in the base game. Further, an additional game in the combination would only award greater prizes (a bonus feature), but would be the same as the base game (i.e., uses the same mathematical model) and therefore would not be a different special feature game as defined by the present application. Therefore, Graham and Bennett '642, either alone or in combination, do not disclose a special feature game and therefore the combination does not utilize a mechanical device for both the base game and the special feature game.

Moreover claim 1 also requires "detecting an indication to play a special feature game" and "in response to detection the indication, changing an appearance of the mechanical device." In order to further distinguish Graham and Bennett '642, Applicant has amended claim 1 to require that the change in appearance of the mechanical device is "to provide visual notification

to a player that the special feature game is underway rather than the base wagering game.” The combination of Graham and Bennett ‘642 would not change the appearance of the mechanical device in response to detecting an indication to play a special feature game. As explained above, Bennett ‘642 only discloses changing the appearance of the mechanical device in response to winning the base game and therefore a combination of Graham and Bennett ‘642 would change the appearance of the mechanical device only in response to winning the base game and would not change the appearance of the mechanical device based on an indication to play a special feature game. Further, the change of the appearance of the mechanical device in such a combination would be for enhancing the base game and not to notify a player that the special feature game is underway as now required by amended claim 1. For these reasons, amended claim 1 and its dependents are believed to be allowable over Graham and Bennett ‘642.

Independent Claim 20

Independent claim 20 is believed to be allowable over the combination of Graham and Bennett ‘642 for the reasons stated above in reference to claim 1. First, Graham and Bennett ‘642 are not believed to be properly combinable. Second, claim 20 includes the limitation of a displayed mechanical device that is “operable during **both** a base game and a special feature game” (emphasis added). As stated above in reference to claim 1, Graham and Bennett ‘642 fail to disclose a mechanical device that is operable during **both** a base game and a special feature game. Further claim 20 includes the limitation of detecting “a first indication to play the special feature game” and changing the appearance of the mechanical device in response to the indication. The combination of Graham and Bennett ‘642 does not change the appearance of the mechanical device in response to an indication to play a special feature game. For these reasons,

claim 20 and its dependent claims are believed to be allowable over the combination of Graham and Bennett '642.

Independent Claim 30

For the reasons stated above in reference to claim 1, claim 30 is believed to be allowable over the combination of Graham and Bennett '642. In addition to lacking a suggestion or motivation to combine Graham and Bennett '642, the two references also fail to disclose the limitations of "displaying a base game outcome with the mechanical device" and "displaying a special feature game outcome with the mechanical device." Further claim 30 includes the limitation of detecting "a first indication to play the special feature game" and changing the appearance of the mechanical device in response to the indication. The combination of Graham and Bennett '642 does not change the appearance of the mechanical device in response to an indication to play a special feature game.

In order to further distinguish claim 30, Applicant has amended claim 30 to include the limitation of a base game having a first mathematical model of player odds and the special feature game having a second mathematical model of player odds, the second mathematical model being different from the first mathematical model. The combination of Graham and Bennett '642 does not disclose such limitations. The Graham base game and additional free games are the same games since they operate on the same mathematical model of player odds. The bonus feature in Graham only refers to awards to a player from the same base game. The player odds for the game with the bonus feature in Graham are the same as the base game. The combination of Graham and Bennett '642 thus do not have a base game with a first mathematical model of player odds and a special feature game with a different second mathematical model of

player odds as now required by amended claim 30. For at least these reasons, amended claim 30 and its dependent claim are believed to be allowable over Graham and Bennett '642.

Independent Claim 13

Claim 13 was rejected as being obvious in view of Graham, Bennett '642, and U.S. Pat. No. 6,843,722 ("Webb"). Claim 13 requires that mechanical spinning reels be utilized in both a slot game and a bonus game; "receiving a wager to play a slot game that utilizes the plurality of reels;" and in response to a first indication to play a bonus game, "changing a color of the plurality of mechanical spinning reels." Graham and Bennett '642 do not disclose these features. As explained above, neither Graham nor Bennett '642 alone or in combination discloses changing the color of the spinning reels in response to an indication to play a bonus game.

Claim 13 also requires that a second indication to terminate play of the bonus game results in restoring the color to the plurality of mechanical spinning reels. The Office Action has conceded that the combination of Graham and Bennett '642 does not disclose nor suggest this limitation. The Office Action cites Webb as having a bonus game which contains a terminator symbol. However Webb also does not disclose nor suggest restoring the color to the spinning reels. Webb is directed to a gaming device having a bonus game with a terminator feature. Abstract. The bonus game is terminated when a player chooses a selection that has an associated terminator. *Id.* There is no disclosure in Webb of changing a color of mechanical spinning reels during the bonus game. The Office Action asserts it would be obvious to change colors if the bonus game is terminated. However, one of ordinary skill in the art would simply turn off the colors along with the game at the termination of a bonus game. There is no specific teaching in Webb of a restoration of color and thus this limitation would not be obvious to one of ordinary

skill in the art. Therefore, claim 13 and its dependents are believed to be allowable over the combination of Graham, Bennett '642, and Webb.

Dependent Claims 9, 10, 28, and 29

Claims 9 and 10 are dependent from claim 1 and claims 28 and 29 are dependent upon claim 20, and therefore include all of the limitations of claims 1 and 20. Claims 9, 10, 28, and 29 were rejected as being unpatentable over Graham, Bennett '642, and U.S. Pat. 6,481,713 ("Perrie"). As stated above in reference to claims 1 and 20, it is the Applicants' belief that the combination of Graham and Bennett '642 fail to disclose utilizing a mechanical device in both a base game and in a special feature game. Perrie is directed to a gaming machine that utilizes a reel for a basic game and a plurality of spinning dice for a bonus game. FIG. 5, col. 10, ll. 58-64. The game does not utilize the same mechanical device for **both** the basic game and the special feature game. For at least this reason, claims 9, 10, 28, and 29 are believed to be allowable over the combination of Graham, Bennett '642 and Perrie.

Claims 21-27

Claims 21-27 were rejected as being obvious in view of Graham, Bennett '642, and Webb. Claims 21-27 are dependent upon claim 20, and therefore, include all of the limitations of claim 20. As stated above in reference to claim 20, the combination of Graham and Bennett '642 does not disclose all of the limitations of claim 20, specifically, utilizing a mechanical device in both a base game and a special game feature. Also, as stated above in reference to claim 13, Webb does not disclose this feature. For at least this reason, claims 21-27 are believed to be allowable.

Claim 4

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of U.S. Publ. No. 2002/0025845 A1 (“Cannon”). Claim 4 is dependent upon claim 1, and therefore includes the limitations of “a base wagering game that utilizes the mechanical device” and “a special feature game that utilizes the mechanical device.” As stated in reference to claim 1, Graham does not disclose these features. Neither does Cannon. Cannon is directed to a method of simultaneous participation in two or more mutually exclusive games. Abstract. There is no disclosure of utilizing the same mechanical device for both a base game and a special feature game. Thus, for at least these reasons, claim 4 is believed to be allowable.

Claims 11 and 12

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, in view of U.S. Publ. No. 2004/0092299 A1 (Gauselmann). Claims 11 and 12 depend from claim 1 and include the limitations of “a base wagering game that utilizes the mechanical device” and “a special feature game that utilizes the mechanical device.” As stated above in reference to claim 1, Graham does not disclose such features. Neither does Gauselmann. Gauselmann is directed to a video slot machine that allows a player to designate a position in the array to be a special symbol, such as a wild card or scatter symbol. Abstract. Gauselmann does not disclose utilizing any type of mechanical device (as it is directed to video slots), let alone using the same mechanical device for both a base game and a special feature game. For at least this reason, claims 11 and 12 are believed to be allowable.

Claims 18 and 19

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, in view of Gauselmann in further view of Webb. Claims 18 and 19 depend from claim 13 and include the limitations of "a slot game that utilizes the plurality of mechanical reels" and in response to detecting a bonus game, "changing a color of the plurality of mechanical spinning reels." As stated above in reference to claims 11, 12, and 13, none of Graham, Gauselmann, or Webb disclose these features. For at least this reason, claims 18 and 19 are believed to be allowable.

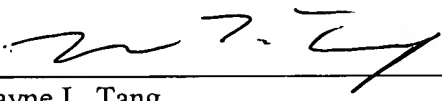
Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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